

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27084 OF 2005

DATED:21.12.2005

Between:

Y. Mahaboob Basha and another

...Petitioners

And

The Municipal Corporation of Kadapa,

Rep. by its Commissioner,

Kadapa, and others

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27084 OF 2005

ORDER:

The petitioners are residents of Kadapa town. They are owners of premises bearing D.Nos.4/484, 18/336 and 18/337 situated at Nagarajupet and Devuni Kadapa Road. It appears that Kadapa Municipal Council passed a resolution on 14.10.2005 proposing to widen roads. The petitioners allege that officials of first respondent came to the petitioners' property and marked a portion for demolition for the purpose of widening the road. Therefore, placing reliance on the judgment of this Court in **P. Lakshmana Rao v. Executive Officer, Gram Panchayat** present Writ Petition is filed seeking a direction to the respondents not to demolish the petitioner's premises.

Learned Standing Counsel for Kadapa Municipal Corporation, Sri S.I.Newton, after

getting instructions submits that pursuant to resolution of Kadapa Municipal Council, six committees were formed and the matter is under consideration. He further submits that the officials of the Kadapa Municipal Corporation have not visited the petitioners' premises nor any marking was made.

After considering the rival submissions, this Court is of considered opinion that the Writ Petition is filed on mere apprehension without there being any concrete steps taken by the Kadapa Municipal Corporation. However, if the land of the petitioners is to be acquired, the Corporation shall have to necessarily follow the procedure contemplated either under Section 146 or under Section 147 of the Hyderabad Municipal Corporation Act, 1955, which is applicable to Kadapa Municipal Corporation also.

The Writ Petition, with the above observations, is accordingly dismissed.

21.12.2005 (V.V.S.RAO, J)

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